

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	98 CR 929 - 1	DATE	2/25/2004
CASE TITLE	USA vs. TERRANCE McCLURGE		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

MEMORANDUM OPINION AND ORDER

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due _____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Defendant's motion for equitable tolling is denied.

- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input checked="" type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	LG courtroom deputy's initials	FEB 26 2004 date docketed docketing deputy initials date mailed notice mailing deputy initials	Document Number	
			233	

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOCKETED
FEB 26 2004

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TERRANCE MC CLURGE,


Defendant.

No. 98 CR 929

MEMORANDUM OPINION AND ORDER

Defendant wishes to file a §2255 petition, and he needs to review the transcript of his trial in order to prepare his petition. That petition, he believes, must be filed by May 19, 2004. But, according to a notice dated June 6, 2003, his transcript is an item "not authorized for an inmate to possess." He claims he is denied access to it. The notice, however, also provides that inmates who demonstrate a court deadline in conjunction with their request to review transcripts will be treated on a priority basis.

By that we assume defendant can have access. He has a deadline and he does need the transcript in order to prepare his petition. If we are incorrect in that assumption, defendant can request further relief, including equitable tolling. See Nelson v. United States, ___ F.3d ___ (7th Cir. 2/18/04). For now, assuming he will promptly be afforded access, there is plenty of time to prepare his petition. His pending motion for equitable tolling is denied.


JAMES B. MORAN
Senior Judge, U. S. District Court

Feb. 25, 2004.

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